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[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**MICROSOFT CORP.,**

and

**ACTIVISION BLIZZARD, INC.,**

Defendants.

Case No. 3:23-cv-02880

**STATEMENT IDENTIFYING  
WITNESSES AND EXHIBITS TO BE  
USED JUNE 27, 2023**

Pursuant to the Court's Order Following June 21, 2023 Status Conference (Dkt. 170), Plaintiff Federal Trade Commission respectfully submits this statement identifying the witnesses to be called on June 27, 2023 and the exhibits Plaintiff intends to use with the witnesses.

Plaintiff intends to call Jim Ryan (by video deposition designation), Jeff Fisher (by video deposition designation), Phil Eisler (by video deposition designation), Dr. Robin Lee, and submit

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a Joint Stipulation regarding Microsoft employee Lori Wright in lieu of live testimony. Listed below are the exhibits Plaintiff intends to use with these witnesses.

Defendants have stated their intent to call Dr. Elizabeth Bailey. Listed below are the exhibits Plaintiff intends to use with the witnesses it intends to call, and the exhibits Plaintiff may use on cross with Dr. Bailey.

Exhibits Plaintiff intends to use with Mr. Ryan:

Exhibit No.	In camera treatment requested (if any)	Used in
PX3106		
PX3109		
PX3110	In camera treatment requested; ECF No. 172 at 6	
PX7053	Redactions requested; ECF No. 172 at 7	ECF No. 175; ECF No. 132
PX7054	Redactions requested; ECF No. 172 at 8	ECF No. 175; ECF No. 132
PX8001	Redactions requested; ECF No. 195 at 7	ECF No. 175; ECF No. 132

Exhibits Plaintiff intends to use with Mr. Fisher:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7062	Redactions requested; ECF No. 161 at 4	ECF No. 175

Exhibits Plaintiff intends to use with Mr. Eisler:

Exhibit No.	In camera treatment requested (if any)	Used in
PX1781		
PX2391	In camera treatment requested; ECF No. 148 at 14	
PX3052	In camera treatment requested; ECF No. 161 at 3	ECF No. 175
PX3103 <sup>1</sup>	In camera treatment requested; ECF No. 161 at 3	ECF No. 175
PX3103A	In camera treatment requested; ECF No. 161 at 3	
PX3104	Redactions requested; ECF No. 161 at 3	
PX3144	In camera treatment requested; ECF No. 161 at 3	
PX7060	Redactions requested; ECF No. 161 at 3	ECF No. 175
PX8000	Redactions requested; ECF No. 161 at 4	ECF No. 175

Exhibits Plaintiff intends to use with Dr. Lee:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5000		ECF No. 175
PX5001		
PX0003		ECF No. 175
PX7040		ECF No. 175
PX7053	Redactions requested; ECF No. 172 at 7	ECF No. 175

<sup>1</sup> NVIDIA has requested that the FTC replace PX3103 with PX3103A, which it describes as “the most recent version” of the document. Dkt. 161 at 3 n.2.

PX7048		ECF No. 175
PX7036		ECF No. 175
PX1888	In camera treatment requested; ECF No. 150 at 22	ECF No. 175
PX1747	Redactions requested; ECF No. 150 at 23	ECF No. 175
PX2415	In camera treatment requested; ECF No. 148 at 15	
PX1070	Redactions requested; ECF No. 150 at 5	ECF No. 175
PX1538	Redactions requested; ECF No. 150 at 14	
PX1087		
PX9102		
PX4671	In camera treatment requested; ECF No. 150 at 28	ECF No. 175
PX4673		ECF No. 175
PX8001	Redactions requested; ECF No. 195 at 7	ECF No. 175
PX1063	In camera treatment requested; ECF No. 150 at 3	ECF No. 175
PX1089	Redactions requested; ECF No. 150 at 4	ECF No. 175
PX7011		ECF No. 175
PX7042		ECF No. 175
PX7056		ECF No. 175
PX7031		ECF No. 175
PX1075	Redactions requested; ECF No. 150 at 4	ECF No. 175
PX3077	In camera treatment requested; ECF No. 172 at 6	
PX1136	Redactions requested; ECF No. 150 at 6	ECF No. 175
PX1102	Redactions requested; ECF No. 150 at 2	ECF No. 175
PX1065	Redactions requested; ECF No. 150 at 15	ECF No. 175
PX4619		
PX8000	Redactions requested; ECF No. 161 at 5	ECF No. 175
PX1019	In camera treatment requested; ECF No. 150 at 31	ECF No. 175
PX2159	In camera treatment requested; ECF No. 148 at 9	ECF No. 175
PX2419	In camera treatment requested; ECF No. 148 at 15	ECF No. 175
PX2049	Redactions requested; ECF No. 148 at 4	ECF No. 175
PX1763		ECF No. 175
PX1741	In camera treatment requested; ECF No. 150 at 20	ECF No. 175
PX7003		ECF No. 175
PX1182	In camera treatment requested; ECF No. 150 at 29	
PX0006	In camera treatment requested; ECF No. 150 at 27	ECF No. 175

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PX2157	In camera treatment requested; ECF No. 148 at 8	ECF No. 175
PX7052		ECF No. 175
PX1245	Redactions requested; ECF No. 150 at 11	ECF No. 175
PX8003	Redactions requested; ECF No. 155 at 3	ECF No. 175
PX4721	In camera treatment requested; ECF No. 150 at 32	ECF No. 175
PX2107	In camera treatment requested; ECF No. 148 at 6	ECF No. 175
PX1154	Redactions requested; ECF No. 150 at 42	ECF No. 175
PX4365		
PX7012		ECF No. 175
PX4323	In camera treatment requested; ECF No. 150 at 12	ECF No. 175
PX0027		ECF No. 175
PX0038		
PX1080	Redactions requested; ECF No. 150 at 34	ECF No. 175
PX1527		ECF No. 175
PX4430	Redactions requested; ECF No. 150 at 8	ECF No. 175
PX4303	Redactions requested; ECF No. 150 at 6	ECF No. 175
PX4435	In camera treatment requested; ECF No. 150 at 15	ECF No. 175
PX4309		ECF No. 175
PX4334	Redactions requested; ECF No. 150 at 16	ECF No. 175
PX1116	Redactions requested; ECF No. 150 at 41	ECF No. 175
PX1425	Redactions requested; ECF No. 150 at 18	ECF No. 175
PX1949		ECF No. 175
PX1951	Redactions requested; ECF No. 150 at 4	ECF No. 175
PX1950		ECF No. 175
PX7046		ECF No. 175
PX4679		
PX4678		
PX7058		ECF No. 175
PX6000		ECF No. 175
PX8002	In camera treatment requested; ECF No. 168 at 6	ECF No. 175
PX1635	In camera treatment requested; ECF No. 150 at 7	ECF No. 175
PX1752	In camera treatment requested; ECF No. 150 at 23	ECF No. 175
PX3081	In camera treatment requested; ECF No. 172 at 6	ECF No. 175
PX1887	In camera treatment requested; ECF No. 150 at 25	
PX7028		ECF No. 175

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PX1240	In camera treatment requested; ECF No. 150 at 21	ECF No. 175
PX7004		ECF No. 175
PX1275		ECF No. 175
PX4182	In camera treatment requested; ECF No. 150 at 27	
PX3085	In camera treatment requested; ECF No. 172 at 6	
PX1476		ECF No. 175
PX1145	Redactions requested; ECF No. 150 at 7	ECF No. 175
PX1324		ECF No. 175
PX7014		ECF No. 175
PX7025		
PX7026		ECF No. 175
PX1571	Redactions requested; ECF No. 150 at 5	ECF No. 175
PX1563	In camera treatment requested; ECF No. 150 at 22	ECF No. 175
PX1274		ECF No. 175
PX7010		ECF No. 175
PX9015		ECF No. 175
PX1721	In camera treatment requested; ECF No. 150 at 5	ECF No. 175
PX7005		ECF No. 175
PX4647		ECF No. 175
PX1015	In camera treatment requested; ECF No. 150 at 31	ECF No. 175
PX4505		ECF No. 175
PX1828	Redactions requested; ECF No. 150 at 31	
PX1188	In camera treatment requested; ECF No. 150 at 31	
PX1529	Redactions requested; ECF No. 150 at 30	
PX4484	In camera treatment requested; ECF No. 150 at 3	ECF No. 175
PX1471	Redactions requested; ECF No. 150 at 15	ECF No. 175
PX4007	In camera treatment requested; ECF No. 150 at 6	ECF No. 175
PX1966		
PX1477		ECF No. 175
PX4476		ECF No. 175
PX4629		ECF No. 175
PX7006		ECF No. 175
PX7035		ECF No. 175
PX2396	In camera treatment requested; ECF No. 148 at 14	ECF No. 175
PX2406	Redactions requested; ECF No. 148 at 15	ECF No. 175

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PX2199		
PX2115	In camera treatment requested; ECF No. 148 at 7	ECF No. 175
PX4341	In camera treatment requested; ECF No. 150 at 22	ECF No. 175
PX4624	In camera treatment requested; ECF No. 150 at 32	ECF No. 175
PX1995	In camera treatment requested; ECF No. 150 at 20	ECF No. 175
PX4625	In camera treatment requested; ECF No. 150 at 31	ECF No. 175
PX2189	In camera treatment requested; ECF No. 148 at 11	ECF No. 175
PX4005		
PX1779	In camera treatment requested; ECF No. 150 at 3	
PX2265	In camera treatment requested; ECF No. 148 at 12	
PX4354	In camera treatment requested; ECF No. 150 at 29	
PX1022	In camera treatment requested; ECF no. 150 at 21	ECF No. 175
PX1897		ECF No. 175
PX1151		ECF No. 175
PX7041		
PX3090	In camera treatment requested; ECF No. 172 at 6	ECF No. 175
PX4157	Redactions requested; ECF No. 150 at 30	
PX4695		ECF No. 175
PX1603		
PX1110	Redactions requested; ECF No. 150 at 10	ECF No. 175
PX4617	In camera treatment requested; ECF No. 150 at 8	
PX1025	Redactions requested; ECF No. 150 at 19	ECF No. 175
PX1767	In camera treatment requested; ECF No. 150 at 30	ECF No. 175
PX3080	In camera treatment requested; ECF No. 172 at 6	ECF No. 175
PX4181	Redactions requested; ECF No. 150 at 24	ECF No. 175
PX4351	In camera treatment requested; ECF No. 150 at 13	ECF No. 175
PX1624	Redactions requested; ECF No. 150 at 17	
PX1049	In camera treatment requested; ECF No. 150 at 13	ECF No. 175

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PX1050	In camera treatment requested; ECF No. 150 at 13	ECF No. 175
PX1313	In camera treatment requested; ECF No. 150 at 16	ECF No. 175
PX4267	In camera treatment requested; ECF No. 150 at 30	ECF No. 175
PX0014		
PX1651	In camera treatment requested; ECF No. 150 at 21	ECF No. 175
PX1012		ECF No. 175
PX7060		ECF No. 175
PX2133	In camera treatment requested; ECF No. 148 at 7	
PX1517	Redactions requested; ECF No. 150 at 20	ECF No. 175
PX4154	In camera treatment requested; ECF No. 150 at 25	ECF No. 175
PX1039	In camera treatment requested; ECF No. 150 at 11	ECF No. 175
PX1877	Redactions requested; ECF No. 150 at 15	ECF No. 175
PX1613		ECF No. 175

Defendants are calling Dr. Elizabeth Bailey. Plaintiff may use the following documents during cross of Dr. Bailey:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5002		
PX2355		
PX2448		
PX2460		
PX2447		
PX2452		
PX2454		
PX2456		
PX2462		
PX2463		
PX2464		

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PX2465		
PX2471		
PX7000		
PX7001		
PX7002		ECF No. 175
PX7003		ECF No. 175
PX7004		ECF No. 175
PX7005		ECF No. 175
PX7006		ECF No. 175
PX7007		ECF No. 175
PX7008		ECF No. 175
PX7009		
PX7010		ECF No. 175
PX7011		ECF No. 175
PX7012		
PX7014		ECF No. 175
PX7077		

DATED: June 26, 2023

/s/ James H. Weingarten

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